

Title 22, Division 6, Chapter 4, Small Family Homes

Amend Section 83001 to read:

83001 DEFINITIONS

83001

In addition to section 80001, the following shall apply.

~~(a-)~~ (Continued)

~~(b-)~~ (Continued)

~~(c-)~~ (Continued)

~~(d-)~~ (Continued)

~~(e-)~~ (Continued)

~~(f-)~~ (Continued)

~~(g-)~~ (Continued)

~~(h-)~~ (Continued)

~~(i-)~~ (Continued)

~~(j-)~~ (Continued)

~~(k-)~~ (Continued)

~~(l-)~~ (Continued)

~~(m-)~~ (Continued)

~~(n-)~~ (Continued)

~~(o-)~~ (Continued)

~~(p-)~~ (1) "Physical Restraining Device" (Continued)

(2) "Psychotropic medication(s)" are those medications as defined in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code sections 369.5 and 739.5 provide:

- (d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

HANDBOOK ENDS HERE

(q-) (Continued)

(r-) (Continued)

(s-) (Continued)

(t-) (Continued)

(u-) (Continued)

(v-) (Continued)

(w-) (Continued)

(x-) (Continued)

(y-) (Continued)

(z-) (Continued)

Authority cited: Sections 1502.8 and 1530, Health and Safety Code; and Section 17730, Welfare and Institutions Code.

Reference: Sections 1501, 1502, 1507, 1507.2, 1530 and 1531, Health and Safety Code; and Sections 369.5(d), 739.5(d), 11403, 16001.9(a), 17710, 17731(c), 17732(b) and 17732.1, Welfare and Institutions Code.

Amend Section 83064 to read:

83064 LICENSEE DUTIES AND RESPONSIBILITIES

83064

(a) through (g) (Continued)

- (h) The licensee shall ensure that both caregivers and the licensee meet initial and ongoing training requirements regarding the training topics described in Section 16501.4(d) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 16501.4 (d) provides:

- (d) In consultation with the State Department of Health Care Services, the Judicial Council, the County Welfare Directors Association of California, the County Behavioral Health Directors Association of California, the Chief Probation Officers of California, and stakeholders, the State Department of Social Services shall develop training that may be provided to county child welfare social workers, probation officers, courts hearing cases pursuant to Section 300, 601, or 602, children's attorneys, children's caregivers, court-appointed special advocates, and other relevant staff who work with children under the jurisdiction of the juvenile court that addresses the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic medications, trauma, and substance use disorder and mental health treatments, including how to access those treatments.

HANDBOOK ENDS HERE

Authority cited: Section 1530, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1529.1, 1529.2, 1530.91, 1531 and 1562, Health and Safety Code; ~~and~~ Sections 366.1, 366.21, ~~and~~ 16001.9 and 16501.4(d), Welfare and Institutions Code; and California Student Safety and Violence Prevention Act of 2000 (Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

Amend Section 83068.1 to read:

83068.1 ADMISSION PROCEDURES

83068.1

- (a) The licensee shall develop, maintain and implement admission procedures which shall meet the requirements specified in this section.
- (b) Upon placement the licensee or designated person shall:
 - (1) (Continued)
 - (2) Obtain the information specified in Sections 80070(b)(1) through (b)(5), (b)(7), (b)(8) and (b)(10), and 83070(b)(1) through (b)(8).
 - (A) Satisfy authorization requirements specified in Section 83070(b)(11) if the child is currently taking psychotropic medications.
 - (3) (Continued)
- (c) and (d) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 83070 to read:

83070 CHILD'S RECORDS

83070

- (a) In addition to Section 80070, the following shall apply.
- (b) ~~Each child's record shall contain the following:~~ For each child in the home, the licensee shall maintain a separate, complete, and most up to date record or file that includes the following:
 - (1) through (10) (Continued)
 - (11) A copy of the current court order, or written authorization of the child's parent or guardian, for each psychotropic medication prescribed to the child.
 - (A) Written authorization of the child's parent or guardian may only be documented in lieu of a court order if the child is not a dependent or ward of the court, or it is documented in the child's record that the county placing agency has verified a court order is not required.
 - (B) This section shall not apply when the child's record contains documentation from the child's Public Health Nurse or the county placing agency who has verified a court order is not required, if the child is prescribed a psychotropic medication that will be used for a purpose other than as specified in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.
 - (C) This section shall not apply when the child's record contains documentation from the child's prescribing physician that the psychotropic medication has been provided in an emergency situation, as described in California Rules of Court, rule 5.640.
 - (12) A separate log for each psychotropic medication prescribed to the child documenting all the following:
 - (A) The name of the medication.
 - (B) The date of the prescription.
 - (C) The quantity of medication and number of refills initially prescribed.
 - (D) When applicable, any additional refills prescribed.
 - (E) The prescribed dosage and directions for use as specified in writing by the physician prescribing the medication, including any changes directed by the physician.

(F) The date and time of each dose taken by the child.

(G) Documentation of each refusal.

1. Documentation shall include the name of the medication refused, date and time of the refusal, the reason for the refusal, who was notified of the refusal, and any observed results of the refusal.

(H) Licensee or caregiver initials for each time a psychotropic medication is taken by a child, as an indication that they supervised the child self-administering their psychotropic medication.

1. Initials shall not be pre-filled on the log.

(c) (Continued)

Authority cited: Sections 1507.6 and 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code; and Sections 369.5 and 739.5, Welfare and Institutions Code.

Amend Section 83072.1 to read:

83072.1 DISCIPLINE

83072.1

- (a) Any form of discipline which violates a child's personal rights as specified in Sections ~~80072 and~~ 83072 shall be prohibited.
- (b) The licensee or caregiver shall not discipline a child as a consequence for refusing to take their medication.
 - (1) Document the child's medication refusal, as specified in Section 83070(b)(12)(G)1., and within two calendar days contact the child's prescribing physician.
 - (2) Nothing in this section shall be construed to prohibit the utilization the reasonable and prudent parent standard described in Section 362.05 of the Welfare and Institutions Code when determining the suitability of an activity based upon the cognitive, emotional, physical, and behavioral capacities of a specific child.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 83075 to read:

83075 HEALTH RELATED SERVICES

83075

(a) In addition to Section 80075, the following shall apply.

(b) through (f) (Continued)

(g) Psychotropic medication shall only be used in accordance with the written directions of the physician prescribing the medication and in accordance with authorization requirements specified in Sections 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and Section 83070(b)(11).

(1) Psychotropic medications may be administered without court order or parental authorization in an emergency. Emergency procedures are specified in California Rules of Court, rule 5.640.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 369.5 provides:

(a)(1) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication

Welfare and Institutions Code section 739.5 provides:

(a)(1) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication.

California Rule of Court, rule 5.640 provides in relevant part:

(i) Emergency treatment

1. Psychotropic medications may be administered without court authorization in an emergency. An emergency occurs when:
 - (A) A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
 - (B) The purpose of the medication is:
 - (i) To protect the life of the child or others, or
 - (ii) To prevent serious harm to the child or others, or
 - (iii) To treat current or imminent substantial suffering; and
 - (C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.
2. Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.

HANDBOOK ENDS HERE

- (h) Procedures for a child's medication refusal shall be as specified in Section 83070(b)(12)(G)1.

Authority cited: Sections 1507.6(b)(1) and 1530, Health and Safety Code; and Rule 5.640, California Rule of Court.

Reference: Sections 1501, 1507, 1530.6 and 1531, Health and Safety Code; and Sections 369.5(a)(1) and 739.5(a)(1), Welfare and Institutions Code.

Title 22, Division 6, Chapter 5, Group Homes

Amend Section 84001 to read:

84001 DEFINITIONS

84001

In addition to section 80001, the following shall apply.

(a) through (o) (Continued)

(p)(1) through (3) (Continued)

- (4) "Psychotropic medication(s)" are those medications as defined in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code sections 369.5 and 739.5 provide:

- (d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

HANDBOOK ENDS HERE

(q) through (z) (Continued)

Authority cited: Section 17730, Welfare and Institutions Code; and Sections 1522.41(j), 1530, 1530.8 and 1530.9, Health and Safety Code.

Reference: Sections 1501, 1502, 1503, 1507, 1507.2, 1522.4, 1522.41, 1522.41(j), 1530.8 and 1531, Health and Safety Code; Sections 362.04(a)(2), 362.05(a), 369.5, 727(a)(4)(A), 739.5, 11331.5(d), 11403, ~~11406(e)~~, 17710(a), 17710(d), 17710(g), 17710(h), 17731, 17732.1, 17736(a) and 17736(b), Welfare and Institutions Code; and 45 CFR Section 1351.1(k).

Amend Section 84044 to read:

84044 INSPECTION AUTHORITY OF THE DEPARTMENT OR
LICENSING AGENCY

84044

(a) In addition to Section 80044, licensees providing care and supervision to six or fewer clients shall comply with the provision of Health and Safety Code Section 1522.4(a)(5).

(b) The licensing agency shall have the inspection authority specified in Health and Safety Code section 1538.9.

HANDBOOK BEGINS HERE

Health and Safety Code section 1538.9 provide:

(a) (1)(A) The department shall consult with the State Department of Health Care Services and stakeholders to establish a methodology for identifying those group homes providing care under the AFDC-FC program pursuant to Sections 11460 and 11462 of the Welfare and Institutions Code that have levels of psychotropic drug utilization warranting additional review. The methodology shall be adopted on or before July 1, 2016.

(B) Every three years after adopting the methodology developed under subparagraph (A), or earlier if needed, the department shall consult with the State Department of Health Care Services and stakeholders and revise the methodology, if necessary.

(2) If the department, applying the methodology described in paragraph (1), determines that a facility appears to have levels of psychotropic drug utilization warranting additional review, it shall inspect the facility at least once a year.

(3) The inspection of the facility shall include, but not be limited to, a review of the following:

(A) Plan of operation, policies, procedures, and practices.

(B) Child-to-staff ratios.

(C) Staff qualifications and training.

(D) Implementation of children's needs and services plan.

(E) Availability of psychosocial and other alternative treatments to the use of psychotropic medications.

(F) Other factors that the department determines contribute to levels of psychotropic drug utilization that warrant additional review.

(G) Confidential interviews of children residing in the facility at the time of the inspection.

(4) The inspection of the facility may include, but is not limited to, the following:

(A) Confidential interviews of children who resided in the facility within the last six months.

(B) Confidential discussions with physicians identified as prescribing the medications.

(b) Following an inspection conducted pursuant to this section, the department, as it deems appropriate, may do either or both of the following:

(1) Share relevant information and observations with county placing agencies, social workers, probation officers, the court, dependency counsel, or the Medical Board of California, as applicable.

(2) Share relevant information and observations with the facility and require the facility to submit a plan, within 30 days of receiving the information and observations from the department, to address any identified risks within the control of the facility related to psychotropic medication. The department shall approve the plan and verify implementation of the plan to determine whether those risks have been remedied.

(c) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), until emergency regulations are filed with the Secretary of State, the department may implement this section through all-county letters or similar instructions.

(2) On or before January 1, 2017, the department shall adopt regulations to implement this section. The initial adoption, amendment, or repeal of a regulation authorized by this subdivision is deemed to address an emergency, for purposes of Sections 11346.1 and 11349.6 of the Government Code, and the department is hereby exempted for that purpose from the requirements of subdivision (b) of Section 11346.1 of the Government Code. After the initial adoption, amendment, or repeal of an emergency regulation pursuant to this section, the department may twice request approval from the Office of Administrative Law to readopt the regulation as an emergency regulation pursuant to Section 11346.1 of the Government Code. The department shall adopt final regulations on or before January 1, 2018.

(d) Nothing in this section does any of the following:

(1) Replaces or alters other requirements for responding to complaints and making inspections or visits to group homes, including, but not limited to, those set forth in Sections 1534 and 1538.

(2) Prevents or precludes the department from taking any other action permitted under any other law, including any regulation adopted pursuant to this chapter.

(e) The methodology developed pursuant to this section shall apply to short-term residential therapeutic programs, as defined in Section 1502, in a manner determined by the department.

(f) This section does not apply to a runaway and homeless youth shelter, a private alternative boarding school, or a private alternative outdoor program, as those terms are defined, respectively, in Section 1502.

HANDBOOK ENDS HERE

Authority cited: Sections 1530 and 1538.9, Health and Safety Code.

Reference: Section 1522.4, Health and Safety Code.

Amend Section 84065 to read:

84065 PERSONNEL REQUIREMENTS

84065

(a) In addition to Section 80065, the following shall apply.

(b) through (h) (Continued)

(i) Notwithstanding Sections 80065(f)(1) through (6), new child care staff hired on or after July 1, 1999, shall complete a minimum of 24 hours of initial training comprised of the 8 and 16-hour training as specified in (1) and (2) below:

(1) and (2) (Continued)

(3) Training shall include, at a minimum, all of the following topics. The licensee shall determine how much time is spent on each topic and shall ensure that child care staff have appropriate skills necessary to supervise the children in care.

(A) through (L) (Continued)

(M) Medication procedures, assistance with medication, universal precautions, recognition of early signs of illness and the need for professional assistance, and other health related issues, including oversight and monitoring of psychotropic medications for children in foster care and related topics specified in Section 16501.4(d) of the Welfare and Institutions Code;

(N) through (U) (Continued)

(4) through (6) (Continued)

(j) Annual Training

(1) through (3) (Continued)

(4) Training topics shall be appropriate for the client population and services provided by the facility.

(A) A portion of this training shall address oversight and monitoring of psychotropic medications for children in foster care and related topics specified in Section 16501.4(d) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 16501.4 provides:

- (d) In consultation with the State Department of Health Care Services, the Judicial Council, the County Welfare Directors Association of California, the County Behavioral Health Directors Association of California, the Chief Probation Officers of California, and stakeholders, the State Department of Social Services shall develop training that may be provided to county child welfare social workers, probation officers, courts hearing cases pursuant to Section 300, 601, or 602, children's attorneys, children's caregivers, court-appointed special advocates, and other relevant staff who work with children under the jurisdiction of the juvenile court that addresses the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic medications, trauma, and substance use disorder and mental health treatments, including how to access those treatments.

HANDBOOK ENDS HERE

(5) through (7) (Continued)

(k) through (p) (Continued)

Authority cited: Sections 1522.41(j) and 1530, Health and Safety Code.

Reference: Section 51, Civil Code; Sections 1501, 1522.4, 1531 and 1562, Health and Safety Code; and Sections 16001.9 and 16501.4(d), Welfare and Institutions Code

Amend Section 84068.1 to read:

84068.1 INTAKE PROCEDURES

84068.1

- (a) The licensee shall develop, maintain, and implement intake procedures which meet the requirements specified in this section.
- (b) When a child is being considered for nonemergency placement in a group home, the following requirements shall be met prior to the child's placement in the home.
 - (1) through (3) (Continued)
 - (4) If the child is accepted for placement, the following requirements shall be met:
 - (A) and (B) (Continued)
 - (C) Information specified in Sections 80070 and 84070 necessary to complete the child's file shall be obtained.
 - 1. Satisfy authorization requirements specified in Section 84070(b)(12) if the child is currently taking psychotropic medications.
 - (D) (Continued)
- (c) (Continued)

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84070 to read:

84070 CHILDREN'S RECORDS

84070

- (a) In addition to Section 80070, the following shall apply.
- (b) The following information regarding the child shall be obtained and maintained in the child's record:

(1) through (11) (Continued)

(12) A copy of the current court order, or written authorization of the child's parent or guardian, for each psychotropic medication prescribed to the child.

(A) Written authorization of the child's parent or guardian may only be documented in lieu of a court order if the child is not a dependent or ward of the court, or it is documented in the child's record that the county placing agency has verified a court order is not required.

(B) This section shall not apply when the child's record contains documentation from the child's Public Health Nurse or the county placing agency who has verified a court order is not required, if the child is prescribed a psychotropic medication that will be used for a purpose other than as specified in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.

(C) This section shall not apply when the child's record contains documentation from the child's prescribing physician that the psychotropic medication has been provided in an emergency situation, as described in California Rules of Court, rule 5.640.

(13) A separate log for each psychotropic medication prescribed to the child documenting all the following:

(A) The name of the medication.

(B) The date of the prescription.

(C) The quantity of medication and number of refills initially prescribed.

(D) When applicable, any additional refills prescribed.

(E) The prescribed dosage and directions for use as specified in writing by the physician prescribing the medication, including any changes directed by the physician.

(F) The date and time of each dose taken by the child.

(G) Documentation of each refusal.

1. Documentation shall include the name of the medication refused, date and time of the refusal, the reason for the refusal, who was notified of the refusal, and any observed results of the refusal.

(H) Staff initials for each time a psychotropic medication is taken by a child, as an indication that they supervised the child self-administering their psychotropic medication.

1. Initials shall not be pre-filled on the log.

(c) through (d) (Continued)

Authority cited: Sections 1507.6 and 1530, Health and Safety Code.

Reference: Sections 1501, 1507 and 1531, Health and Safety Code; and Sections 369.5 and 739.5, Welfare and Institutions Code.

Amend Section 84072.1 to read:

84072.1 DISCIPLINE POLICIES AND PROCEDURES

84072.1

(a) through (d) (Continued)

(e) The licensee or staff shall not discipline a child for refusing to take their medication.

(1) Document the child's medication refusal, as specified in Section 84070(b)(13)(G)1., and within two calendar days contact the child's prescribing physician.

(2) Nothing in this section shall be construed to prohibit the utilization of the reasonable and prudent parent standard described in Section 362.05 of the Welfare and Institutions Code when determining the suitability of an activity based upon the cognitive, emotional, physical, and behavioral capacities of a specific child.

Authority cited: Section 1530, Health and Safety Code.

Reference: Sections 1501 and 1531, Health and Safety Code.

Amend Section 84075

84075 HEALTH-RELATED SERVICES

84075

- (a) In addition to Section 80075, the following shall apply.
- (b) The licensee shall ensure that all prescribed medications are centrally stored, as provided in Section 80075(h)(3).
- (c) Psychotropic medication shall only be used in accordance with the written directions of the physician prescribing the medication and in accordance with authorization requirements specified in Sections 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and Section 84070(b)(12).
 - (1) Psychotropic medications may be administered without court order or parental authorization in an emergency. Emergency procedures are specified in the California Rules of Court, rule 5.640.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 369.5 provides:

- (a)(1) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication

Welfare and Institutions Code section 739.5 provides:

- (a)(1) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior,

the expected results of the medication, and a description of any side effects of the medication.

California Rule of Court, rule 5.640 provides in relevant part:

(i) Emergency treatment

1. Psychotropic medications may be administered without court authorization in an emergency. An emergency occurs when:

(A) A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and

(B) The purpose of the medication is:

(i) To protect the life of the child or others, or

(ii) To prevent serious harm to the child or others, or

(iii) To treat current or imminent substantial suffering; and

(C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.

2. Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.

HANDBOOK ENDS HERE

(d) Procedures for a child's medication refusal shall be as specified in Section 84070(b)(13)(G)1.

Authority cited: Sections 1507.6 and 1530, Health and Safety Code; and Rule 5.640, California Rule of Court.

Reference: Sections 1501, 1507 and 1531, Health and Safety Code; and Sections 369.5(a)(1) and 739.5(a)(1), Welfare and Institutions Code.

Title 22, Division 6, Chapter 9.5, Foster Family Homes

Amend Section 89201 to read:

89201 DEFINITIONS

89201

The following definitions shall apply whenever the terms are used throughout this chapter.

(a) through (o) (Continued)

(p)(1) through (8) (Continued)

- (9) "Psychotropic medication(s)" are those medications as defined in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.

HANDBOOK BEGINS HERE

Welfare and Institutions Code sections 369.5 and 739.5 provide:

- (d) Psychotropic medication or psychotropic drugs are those medications administered for the purpose of affecting the central nervous system to treat psychiatric disorders or illnesses. These medications include, but are not limited to, anxiolytic agents, antidepressants, mood stabilizers, antipsychotic medications, anti-Parkinson agents, hypnotics, medications for dementia, and psychostimulants.

HANDBOOK ENDS HERE

(q) through (z) (Continued)

Authority cited: Sections 1502.8, 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill 1695 (Chapter 653, Statutes of 2001).

Reference: California Fair Employment and Housing Act, Sections 12921, 12926 and 12926.1(c), Government Code; Section 51931(a), Education Code; Sections 1337, 1500, 1501, 1502, 1503, 1503.5, 1505, 1505.2, 1507, 1507.5, 1520, 1522, 1522.1, 1524, 1526, 1526.5, 1527, 1530, 1530.5, 1530.6, 1531, 1531.5, 1533, 1534, 1536.1, 1537, 1550, 1551, 1558, 1558.1, 1559.110, 1727(c), 11834.11 and 13131, Health and Safety Code; Unruh Civil Rights Act, Section 51, Civil Code; Sections 309, 319(d), 361.2(j)-(j)(2), 362.04, 362.05, 362.7, 366.26, 369.5, 739.5, 11400(t), 11403, 11460, 11461, 16501.25, 16522, 17710, 17710(a), 17710(g), 17710(h), 17710(i), 17731, 17731(c) and 17736(a), Welfare and Institutions Code; and 42 U.S.C.A. Section 1305.

Amend Section 89370 to read:

89370 CHILDREN'S RECORDS

89370

- (a) For each "child" in the home, the caregiver shall maintain a separate, complete, and current record or file that includes the following:

(1) through (6) (Continued)

(7) A copy of the current court order, or written authorization of the child's parent or guardian, for each psychotropic medication prescribed to the child.

(A) Written authorization of the child's parent or guardian may only be documented in lieu of a court order if the child is not a dependent or ward of the court, or it is documented in the child's record that the county placing agency has verified a court order is not required.

(B) This section shall not apply when the child's record contains documentation from the child's Public Health Nurse or the county placing agency who has verified a court order is not required, if the child is prescribed a psychotropic medication that will be used for a purpose other than as specified in Sections 369.5(d) and 739.5(d) of the Welfare and Institutions Code.

(C) This section shall not apply when the child's record contains documentation from the child's prescribing physician that the psychotropic medication has been provided in an emergency situation, as described in California Rules of Court, rule 5.640.

(8) A separate log for each psychotropic medication prescribed to the child documenting all of the following:

(A) The name of the medication.

(B) The date of the prescription.

(C) The quantity of medication and number of refills initially prescribed.

(D) When applicable, any additional refills prescribed.

(E) The prescribed dosage and directions for use as specified in writing by the physician prescribing the medication, including any changes directed by the physician.

(F) The date and time of each dose taken by the child.

(G) Documentation of each refusal.

1. Documentation shall include the name of the medication refused, date and time of the refusal, the reason for the refusal, who was notified of the refusal, and any observed results of the refusal.

(H) Caregiver initials for each time a psychotropic medication is taken by a child, as an indication that they supervised the child self-administering their psychotropic medication.

1. Initials shall not be pre-filled on the log.

Authority cited: Sections 1530, Health and Safety Code; Section 16001.9, Welfare and Institutions Code; Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1531, and 1557.5, Health and Safety Code; Sections 361.2(j)(1)(A) and 16010, Welfare and Institutions Code.

Amend Section 89405 to read:

89405 TRAINING REQUIREMENTS

89405

- (a) The caregiver is required to complete training as specified in Health and Safety Code section 1529.2, subsection (b).
 - (1) The following courses, seminars, conferences, or training accepted by the licensing agency to meet the training requirements in Health and Safety Code section 1529.2, subsections (b)(3) and (4) include, but are not limited to:
 - (A) through (K) (Continued)
 - (L) Training topics described in Welfare and Institutions Code section 16501.4(d).

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 16501.4 (d) provides:

- (d) In consultation with the State Department of Health Care Services, the Judicial Council, the County Welfare Directors Association of California, the County Behavioral Health Directors Association of California, the Chief Probation Officers of California, and stakeholders, the State Department of Social Services shall develop training that may be provided to county child welfare social workers, probation officers, courts hearing cases pursuant to Section 300, 601, or 602, children's attorneys, children's caregivers, court-appointed special advocates, and other relevant staff who work with children under the jurisdiction of the juvenile court that addresses the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic medications, trauma, and substance use disorder and mental health treatments, including how to access those treatments.

HANDBOOK ENDS HERE

- (b) (Continued)

Authority cited: Sections 1507.6, 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1506, 1506.7, 1529.1, 1529.2, 1531 and 1562, Health and Safety Code; Sections 16001.9 and 16501.4(d), Welfare and Institutions Code; and Article 3.6 (commencing with Section 32228) of Chapter 2 of Part 19 of Division 1 of Title 1 of the Education Code.

Amend Section 89468 to read:

89468 ADMISSION PROCEDURES

89468

(a) (Continued)

(b) If the caregiver does not receive the Health and Education Passport for a "child" and the written plan identifying the specific needs and services of the "child" at the time of placement, the caregiver shall ask the placement social worker the name and age of the "child" and, at a minimum, all of the following the questions listed on the Pre-Placement Questionnaire questions: (LIC 9225).

~~(1) Does the "child" have any allergies? (i.e. any medications, peanuts, strawberries, dogs, cats, etc.)~~

~~(2) Does the "child" have a history of infections or contagious diseases?~~

~~(3) Is the "child" taking any prescription medications?~~

~~(4) Does the "child" have physical limitations?~~

~~(A) Is any special care needed?~~

~~(5) Does the "child" have any medical conditions I should know about? (i.e. diabetes, epilepsy, etc.)~~

~~(6) Does the "child" have any mental health conditions I should know about? (i.e. schizophrenia, bi-polar disorder, etc.)~~

~~(7) Does the "child" have a history of suicide attempts?~~

~~(8) Does the "child" have any behavioral problems? (i.e. drug abuse, running away, or starting fires, etc.)~~

~~(9) Does the "child" have a history of physical or sexual abuse?~~

~~(10) Does the "child" act out sexually?~~

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(c) (Continued)

(d) The caregiver shall use the pre-placement information to identify whether the child is taking psychotropic medication.

(1) If the child is taking psychotropic medications, the caregiver shall obtain the necessary authorization as required in Section 89370(a)(7).

~~(de)~~ The caregiver shall use the pre-placement information to determine if the caregiver can meet the needs of a "child."

(1) (Continued)

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(Continued)

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~~(ef)~~ When the written plan identifying the specific needs and services of the "child" and the Health and Education Passport for a "child" are received, the caregiver shall review the information and determine:

(1) and (2) (Continued)

~~(fg)~~ If the caregiver determines after review of the written plan identifying the specific needs and services of the "child" and the Health and Education Passport for a "child" that the home cannot meet the service needs of a "child," the caregiver shall:

(1) and (2) (Continued)

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~~(gh)~~ The caregiver shall keep a current copy of the written plan identifying the specific needs and services of the "child," Transitional Independent Living Plan (TILP), and the Health and Education Passport for a "child" and comply with the requirements set forth in these documents.

~~(hi)~~ The caregiver shall provide an orientation of the personal rights specified in Section 89372, Personal Rights to every "child," in an age and developmentally appropriate manner, and to his or her authorized representative, as specified in Health and Safety Code section 1530.91.

(1) (Continued)

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(Continued)

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Authority cited: Sections 1507.6, 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1520, 1530.6, 1530.91, 1531 and 1557.5, Health and Safety Code; and Section 361.2(j)(1)(A), Welfare and Institutions Code.

Amend Section 89475 to read:

89475 HEALTH RELATED SERVICES

89475

(a) through (c) (Continued)

- (d) ~~Under no circumstances shall a "child" be required to take psychotropic medication without a court order as specified in Section 89475.1, subsection (g).~~ Psychotropic Medication shall only be used in accordance with the written directions of the physician prescribing the medication and authorization requirements specified in Section 369.5(a)(1) and 739.5(a)(1) of the Welfare and Institutions Code and Section 89370(a)(7).
- (1) Psychotropic medication(s) may be administered without court order or parental authorization in an emergency. Emergency procedures are specified in the California Rules of Court, rule 5.640.

HANDBOOK BEGINS HERE

Welfare and Institutions Code section 369.5 provides:

- (a)(1) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication

Welfare and Institutions Code section 739.5 provides:

- (a)(1) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication.

California Rule of Court, rule 5.640 provides in relevant part:

(i) Emergency treatment

1. Psychotropic medications may be administered without court authorization in an emergency. An emergency occurs when:
 - (A) A physician finds that the child requires psychotropic medication to treat a psychiatric disorder or illness; and
 - (B) The purpose of the medication is:
 - (i) To protect the life of the child or others, or
 - (ii) To prevent serious harm to the child or others, or
 - (iii) To treat current or imminent substantial suffering; and
 - (C) It is impractical to obtain authorization from the court before administering the psychotropic medication to the child.
2. Court authorization shall be sought as soon as practical but in no case more than two court days after the emergency administration of the psychotropic medication.

HANDBOOK ENDS HERE

(e) (Continued)

- (f) The caregiver shall not discipline a child as a consequence for a child refusing to take their medication.
 - (1) The caregiver shall document the child's medication refusal and within two calendar days contact the child's prescribing physician as required by Section 89370(b)(13)(G)1.
 - (2) Nothing in this section shall be construed to prohibit the utilization the reasonable and prudent parent standard described in Section 362.05 of the Welfare and Institutions Code when determining the suitability of an activity based upon the cognitive, emotional, physical, and behavioral capacities of a specific child.

Authority cited: Sections 1530 and 1530.5, Health and Safety Code; ~~and~~ Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001); and Rule 5.640, California Rule of Court.

Reference: Sections 1501, 1501.1, 1507, 1507.2, 1507.25, 1507.5, 1530.6 and 1531, Health and Safety Code; Sections 361.2(j) - (j)(1)(C), 369.5(a)(1), and 739.5(a)(1), Welfare and Institutions Code; and Section 2727(a), Business and Professions Code.

Amend Section 89475.1 to read:

89475.1 EMERGENCY MEDICAL ASSISTANCE, INJECTIONS, AND
SELF-ADMINISTRATION OF MEDICATIONS

89475.1

(a) through (f) (Continued)

~~(g) Psychotropic medication shall only be given if the Juvenile court has approved a medication request by a physician, as provided in Welfare and Institutions Code sections 369.5, subsection (a) and 739.5, subsection (a).~~

(hg) The caregiver shall maintain all documentation of injections and glucose testing and monitoring specified in subsections (d) and (e) in the current record or file for a "child."

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Health and Safety Code section 1507.25 provides in part:

(a)(1) through (c) (Continued)

~~Welfare and Institutions Code section 369.5, subsection (a) provides:~~

~~"(a) If a child is adjudged a dependent child of the court under Section 300 and the child has been removed from the physical custody of the parent under Section 361, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that child. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the child and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the child's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication..."~~

~~Welfare and Institutions Code section 739.5, subsection (a) provides:~~

~~"(a) If a minor who has been adjudged a ward of the court under Section 601 or 602 is removed from the physical custody of the parent under Section 726 and placed into foster care, as defined in Section 727.4, only a juvenile court judicial officer shall have authority to make orders regarding the administration of psychotropic medications for that minor. The juvenile court may issue a specific order delegating this authority to a parent upon making findings on the record that the parent poses no danger to the minor and has the capacity to authorize psychotropic medications. Court authorization for the administration of psychotropic medication shall be based on a request from a physician, indicating the reasons for the request, a description of the minor's diagnosis and behavior,~~

~~the expected results of the medication, and a description of any side effects of the medication..."~~

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Authority cited: Sections 1530 and 1530.5, Health and Safety Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001).

Reference: Section 1507.25, Health and Safety Code; ~~and Sections 369.5 and 739.5, Welfare and Institutions Code.~~